IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

RSA No.456 of 2007

Date of Decision: February 13,2007.

Rajinder Singh and others

..... Appellants.

Versus

The Dighal Sehkari Rin & Sewa Samiti, Dighal

.....Respondents.

CORAM: HON'BLE MR.JUSTICE VINOD K.SHARMA.

Present:- Mr.Rakesh Nehra,Advocate for the appellants.

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Vinod K.Sharma, J.(ORAL)

For the reasons stated in C.M. No.1268-C of 2007, application is allowed and delay of 8 days in filing the appeal is condoned.

The present appeal has been filed against the judgments and decrees passed by the learned Courts below, vide which the suit filed by the respondent Society has been decreed.

On appreciation of evidence, learned Courts below have recorded a concurrent finding of fact that the property was gifted to the Society and therefore, they are owners of the property, thus entitled to possession thereof. Learned counsel for the appellants vehemently contends that the land in dispute was shown to be *shamlat pana malyan* and therefore, the same could not be gifted and thus the very basis of the suit of the plaintiff was misconceived. This contention of the learned counsel for the appellants is misconceived as the gift was given in 1911 and no objections were raised against the revenue entries for all these years.

Learned Courts below, therefore, rightly came to the conclusion that the gift was by the whole of the *pana* and that the donee had further gifted it to the society. There is no reason to differ with the concurrent finding of fact recorded by the Courts below. Accordingly, the present appeal is dismissed.

13.2.2007. **(Vinod K.Sharma)**
rpj **Judge**